

**COMMITTEE ON FINANCE**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Dennis L. Fish, District No. 5

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council, was held on **Monday, June 21, 2004**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:09 p.m.

PRESENT: Mr. Dennis L. Fish, Council Member District No. 5, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Chairman Fish called the meeting to order. Council Member Pinckney led in the Invocation, and Council Member Spooner led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Fish continued by asking for approval of minutes from a meeting of the Committee on Finance held May 17, 2004.

**APPROVAL OF MINUTES**

It was moved by Council Member Spooner and seconded by Council Member Charles Davis to approve the minutes as presented. The motion was passed by unanimous voice vote of the Committee.

**A. Ms. Mary P. Brown, Clerk of Court, Re: Current funding issues.**

Ms. Mary Brown stated that she and Mr. James McClinton, Deputy Clerk of Court, met with Ms. Kace Smith, Finance Director, and Mr. Robbie Metts, Deputy Supervisor, to review shortages in the 2003/2004 budgets for the Clerk of Court and DSS. Line item transfers were arranged for: 5381 – Office Supplies, 5385 – Printing & Binding, 5251 – Rent & Leases, 5501 – Cleaning Supplies, and 5202 – Gasoline & Oil. However, there are insufficient funds for line items: 5388 – Postage, 5352 –

Communications, and 5104 – Temporary Employees (Bailiff). Ms. Brown requested Council's approval for the transfer of \$7,475 from contingency to cover those shortfalls.

Supervisor Rozier asked what department these funds were needed in.

Ms. Kace Smith stated the General Fund, 41210.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to approve Ms. Brown's request for funds totaling \$7,475, to be transferred from contingency as needed. The motion was passed by unanimous voice vote of the Committee.

Ms. Brown stated that she had addressed the amount in the DSS 2003/2004 budget to be sure that expenditures matched the revenues.

Ms. Smith stated that Ms. Brown was anticipating the receipt of more revenue than was originally budgeted.

Supervisor Rozier asked if Ms. Brown anticipated using that revenue for expenditures.

Ms. Brown stated yes, to cover those expenditures.

Supervisor Rozier asked if these were anticipated revenues.

Ms. Brown stated the department was at 99 percent collection already. There would not be a shortfall.

Supervisor Rozier asked Ms. Brown if she would pledge discretionary funds for that shortfall if there were one.

Ms. Brown responded yes.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the transfer of \$20,553 from DSS. The motion was passed by unanimous voice vote of the Committee.

**B. Ms. Kace Smith, CPA, Finance Director, Re: approval to use balance of lease funds.**

Ms. Kace Smith stated that this was in regard to the 2003/2004 lease purchase proceeds. Presently, savings are anticipated at approximately \$20,000. Ms. Smith requested that the balance of the proceeds be used to purchase computer equipment as needed and as assessed by the MIS Department. The 2004/2005 budget has been reviewed to assure items were not included.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the purchase of computer equipment as needed by using the balance of 2003/2004 lease purchase proceeds anticipated at \$20,000. This motion was passed by unanimous voice vote of the Committee.

**C. Consideration of a Resolution** approving assignment of existing **Fee-in-Lieu of Taxes** arrangements by Bayer Corporation affiliates.

Supervisor Rozier stated that the Bayer Corporation has been divesting some of its facilities. The company purchasing these facilities has a stronger position in the market place, and this is good for the future of the facility. This resolution would transfer the existing fee-in-lieu agreement to the new owners.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the transfer of an existing fee-in-lieu of tax arrangement from Bayer Corporation to Lanxess Corporation. The motion was passed by unanimous voice vote of the Committee.

**D. Consideration prior to First Reading** of an **ordinance** authorizing a **one-year postponement** of the implementation of revised values resulting from the equalization program (**reassessment**), as provided in Section 12-43-217, Code of Laws of South Carolina 1976, as amended.

Chairman Fish stated that this was discussed during last week's meeting when Senator Grooms was in attendance.

Supervisor Rozier stated the problem was that it was unknown what decision the Governor would make in January with regard to the 20% cap the Legislature passed during its last day in session.

It was moved by Council Member Pinckney and seconded by Council Member Crosby to approve, prior to First Reading, an ordinance authorizing a one-year postponement of the implementation of revised values resulting from reassessment. The motion was passed by unanimous voice vote of the Committee.

**E. Consideration prior to First Reading** of an **ordinance** amending Ordinance No. 87-6-9, which provided for the creation of the **Berkeley County Accommodations Tax Advisory Committee**, to modify the composition of and appointment to the Committee and to repeal Ordinance No. 02-9-44 in its entirety.

Supervisor Rozier stated that state law allowed seven members on this committee, and, presently, there are eight members. The committee would have to be reduced by one member.

Council Member Mims asked what else would be changed in regard to this committee.

Mr. D. Mark Stokes stated that originally the law required seven members on this committee. Historically, the County has had eight members, because that is the number of Council Districts. Each member of Council appointed a representative. The state has requested (demanded) that this committee be reduced to seven members. With regard to the composition itself, the areas (i.e., hospitality, lodging, cultural) from which the appointees would come would remain the same.

Council Member Pinckney asked how appointees would be determined with eight Council Districts and only seven board members.

Supervisor Rozier stated that the seven board members would also have to represent certain interests.

Main Motion:

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve, prior to First Reading, an ordinance amending Ordinance No. 87-6-9, which provided for the creation of the Berkeley County Accommodations Tax Advisory Committee, to modify the composition of and appointment to the Committee and to repeal Ordinance No. 02-9-44 in its entirety.

Council Member Steve Davis stated that each County Council Member should have input with regard to the roster of nominees.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to amend the main motion so as to allow each County Council Member to provide a nominee for selection to full Council for consideration, wherein, eight names would be provided, from which seven would be selected.

Council Member Spooner recommended that Council Members alternate, and she stated that she would be the first to withdraw from submitting the name of a nominee.

Supervisor Rozier reiterated that the seven nominees would have to represent particular interests in special categories.

The main motion, as amended, was passed by unanimous voice vote of the Committee.

**F. Review prior to Second Reading of Bill No. 04-45, an ordinance adopting and enacting a new Code for the Code of Berkeley County, South Carolina, providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing**

when such code and this ordinance shall become effective; and other matters related thereto.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve, prior to Second Reading, **Bill No. 04-45**. The motion was passed by unanimous voice vote of the Committee.

**G. Review prior to Third Reading of the following:**

**1. Bill No. 04-37, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve, prior to Third Reading, **Bill No. 04-37**. The motion was passed by unanimous voice vote of the Committee.

**2. Bill No. 04-38, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve, prior to Third Reading, **Bill No. 04-38**. The motion was passed by unanimous voice vote of the Committee.

**3. Bill No. 04-39, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

It was moved by Council Member Charles Davis and seconded by Council Member Steve Davis to approve, prior to Third Reading, **Bill No. 04-39**. The motion was passed by unanimous voice vote of the Committee.

**4. Bill No. 04-40, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve, prior to Third Reading, **Bill No. 04-40**. The motion was passed by unanimous voice vote of the Committee.

**5. Bill No. 04-41, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

It was moved by Council Member Steve Davis and seconded by Council Member Mims to approve, prior to Third Reading, **Bill No. 04-41**. The motion was passed by unanimous voice vote of the Committee.

**H. Reports from Standing Committees:**

**1. Committee on Justice and Public Safety, Mrs. Judy C. Mims, Chairman**

**a. Sheriff's Department: Additional Funds**

Chairman Mims reported that the Committee on Justice and Public Safety met on June 14<sup>th</sup>.

On recommendation of the Committee, Chairman Mims moved to approve the request of the Detention Center for additional funds from Contingency totaling \$42,500. **(No Second Required)**

The motion was passed by unanimous voice vote of the Committee. (That concluded Chairman Mims' report.)

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to adjourn the Committee on Finance Meeting. This motion was passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:37 p.m.

July 26, 2004  
Date Approved

**FINANCE**  
**(Standing Committee of Berkeley County Council)**

Chairman: Mr. Dennis L. Fish, District No. 5

Members: Mr. Milton Farley, District No. 1  
Mrs. Judith K. Spooner, District No. 2  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council, will be held on **Monday June 21, 2004**, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at **6:00 pm**.

**AGENDA**

**EXECUTIVE SESSION** to discuss matters relating to the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body and the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim and other matters covered by the attorney – client privilege.

**APPROVAL OF MINUTES**

**May 17, 2004**

- A. Ms. Mary P. Brown, Clerk of Court**, Re: Current funding issues.
- B. Ms. Kace Smith, CPA, Finance Director**, Re: Approval to use balance of lease funds.
- C. Consideration** of a **Resolution** approving assignment of existing **Fee-in-Lieu of Taxes** arrangements by Bayer Corporation affiliates.
- D. Consideration** prior to **First Reading** of an **ordinance** authorizing a **one-year postponement** of the implementation of revised values resulting from the equalization program (**reassessment**), as provided in Section 12-43-217, Code of Laws of South Carolina 1976, as amended.
- E. Consideration** prior to **First Reading** of an **ordinance** amending Ordinance No. 87-6-9, which provided for the creation of the **Berkeley County Accommodations Tax**

**Advisory Committee**, to modify the composition of and appointment to the Committee and to repeal Ordinance No. 02-9-44 in its entirety.

**F. Review prior to Second Reading of Bill No. 04-45, an ordinance** adopting and enacting a new Code for the **Code of Berkeley County**, South Carolina, providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective; and other matters related thereto.

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2. **Bill No. 04-38, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

3. **Bill No. 04-39, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

4. **Bill No. 04-40, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

5. **Bill No. 04-41, An ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

**H. REPORTS FROM STANDING COMMITTEES:**

1. **Committee on Justice and Public Safety**  
**Council Member Mrs. Judy Mims, Chairman**
  - a. Sheriff's Department: Additional funds

June 16, 2004  
S/Barbara B. Austin  
Clerk of County Council